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CUSTOMER NUMBER 25268

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ortyn et al. Attorney Docket No. BIOL0038
Serial No.: 10/082,805 Group Art Unit: 1632
Filed: February 21, 2002 Examiner:
Title: METHOD AND APPARATUS FOR LABELING AND ANALYZING
CELLULAR COMPONENTS

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SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Bellevue, Washington 98004

November 3, 2003

TO THE COMMISSIONER FOR PATENTS:

Applicant is aware of the information listed in the attached form that may be material to the prosecution of the above-identified patent application.

- ☒ 1. Copies of the listed publications and other information are enclosed for the Examiner's use.
- ☐ 2. Copies of the listed patents, publications, and other information were previously cited by or submitted to the U.S. Patent and Trademark Office in prior application Serial No. _____, filed _____, and relied upon for an earlier filing date under 35 U.S.C. § 120.
- ☐ 3. A concise explanation of the relevance of document I.D. No. _____ (which is not in the English language), as presently understood by the individual designated under 37 C.F.R. § 1.56(c) most knowledgeable about its content, is provided _____.
- ☒ 4. Pursuant to 37 C.F.R. § 1.97(b), this information disclosure statement is being filed within three months of the filing date of the national application, within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, or before the mailing date of a first Office Action on the merits.
- ☐ 5. Pursuant to 37 C.F.R. § 1.97(c), this information disclosure statement is being filed after the period set forth in 37 C.F.R. § 1.97(b) but before the mailing date of either a final action under 37 C.F.R. § 1.113, or a notice of allowance under 37 C.F.R. § 1.311, and is accompanied by:
- a. _____ a certification as specified in 37 C.F.R. § 1.97(e); or
- b. _____ the fee set forth in 37 C.F.R. § 1.17(p). Check No. _____ in the amount of \$ _____ is enclosed.

1 6. Pursuant to 37 C.F.R. § 1.97(d), this information disclosure statement is being filed
2 after the mailing date of either:

3 a. _____ a final action under 37 C.F.R. § 1.113; or

4 b. _____ a notice of allowance under 37 C.F.R. § 1.311,

but before payment of the issue fee. The statement is accompanied by a certification as specified in 37 C.F.R. § 1.97(e), a statement requesting consideration of the information disclosure statement, and the petition fee set forth in 37 C.F.R. § 1.17(p). Check No. _____ in the amount of \$____ is enclosed.

9 X 7. Please charge any additional fees or credit any overpayment to Deposit Account
0 No. 01-1940. A copy of this sheet is enclosed.

~~Respectfully submitted,~~

Michael C. King
Registration No. 44,832

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on November 3, 2003.

Date: November 3, 2003



**SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT LISTING
SHEET**

INFORMATION CITED BY APPLICANT(S) THAT MAY BE MATERIAL TO
THE PROSECUTION OF THE SUBJECT APPLICATION

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U.S. PATENT DOCUMENTS

*Examiner Initial	ID	Document No.	Date	Name	Class	Sub- Class
	US1	2001/0006416	07/05/2001	Johnson	356	73
	US2	2002/0126275	09/12/2002	Johnson	356	317
	US3	3,922,069	11/25/1975	Kishikawa et al.	359	633
	US4	5,096,807	03/17/1992	Leaback	435	6
	US5	5,141,609	08/25/1992	Sweedler et al.	356	344
	US6	5,754,291	05/19/1998	Kain	356	344
	US7	5,848,123	12/08/1998	Strommer	378	98.8
	US8	5,929,986	07/27/1999	Slater et al.	356	326
	US9	5,959,953	09/28/1999	Alon	369	44.41
	US10	6,014,468	01/11/2000	McCarthy et al.	382	254
	US11	6,066,459	05/23/2000	Garini et al.	435	6
	US12	6,116,739	09/12/2000	Ishihara et al.	353	31
	US13	6,156,465	12/05/2000	Cao et al.	430	30
	US14	6,210,973	04/03/2001	Pettit	436	172
	US15	6,211,955	04/03/2001	Basiji et al.	356	326
	US16	6,249,341	06/19/2001	Basiji et al.	356	73
	US17	6,330,081	12/11/2001	Scholten	358	463
	US18	6,381,363	04/30/2002	Murching et al.	382	164
	US19	6,522,781	02/18/2003	Norikane et al.	382	203

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None Cited

OTHER INFORMATION

_____ O1 Kubota, Fumio et al. 1995. "Flow Cytometer and Imaging Device Used in
Combination." *Cytometry*: 21:129-132.



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Kubota, F. 2003. "Analysis of red cell and platelet morphology using an imaging-combined flow cytometer." *Clin. Lab. Haem.*: 25:71-76.

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Ong, S.H. and P.M. Nickolls. 1991. "Optical Design in a Flow System For Imaging Cells." *Sciences in Medicine*: 14:2:74-80.

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Ong, S.H. and P.M. Nickolls. 1994. "Analysis of MTF Degradation in the Imaging of Cells in a Flow System." *International Journal of Imaging Systems & Technology*: 5:243-250.

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Satoh, Kaneko et al. 2002. "Small Aggregates of Platelets Can Be Detected Sensitive by a Flow Cytometer Equipped With an Imaging Device: Mechanisms of Epinephrine-Induced Aggregation and Antiplatelet Effects of Beraprost." *Cytometry*: 48:194-201.

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Wang, Fu-sheng and Fumio Kubota. 2002. "A Novel Apoptosis Research Method With Imaging-Combined Flow Cytometer and HITC OR IR-125 Staining." *Cytometry*: 50:267-274.

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Wietzorrek, Joachim et al. 1999. "A New Multiparameter Flow Cytometer: Optical and Electrical Cell Analysis in Combination With Video Microscopy in Flow." *Cytometry*: 35:291-301.

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Examiner's Signature

Date

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*Examiner: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

MCK/RMA:SSA
10/27/03